

# **Special Presidential Envoy for Arms Control Marshall Billingslea and Assistant Secretary for International Security and Nonproliferation Dr. Christopher A. Ford on the Treaty on Open Skies**

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On-The-Record Briefing

**Special Presidential Envoy for Arms Control Marshall Billingslea and Assistant Secretary for International Security and Nonproliferation Dr. Christopher A. Ford**

**on the Treaty on Open Skies**

**May 21, 2020**

**Via Teleconference**

**MS ORTAGUS:** Thanks everybody for jumping on the line. We're glad that we were able to make sure that this happened today. This briefing is on the record, not embargoed. I think the President's already talked about it, and in fact I think Ruben just got the Secretary's statement out, so you all should have that in your inboxes. I have two of my colleagues and friends with me: Chris Ford and Marshall Billingslea. Chris will go first with some comments and then Marshall will. I'm sure we have a lot of questions, so as the person from AT&T said, reminder to press 1 and then 0, and then we will – we'll get as many questions in as we possibly can.

So thanks again for jumping on this call, and I'll just go ahead and turn it over to Chris to begin, and then Marshall right after. Go ahead.

**ASSISTANT SECRETARY FORD:** Thanks very much, Morgan. My name is Chris Ford, as Morgan indicated, and I am the assistant secretary here at the department for international security and nonproliferation, and currently fulfilling the duties of the under secretary for arms control and international security.

So good afternoon. Thanks for giving us the chance to talk with you for a few minutes. As you will have just heard, the President has in fact decided to withdraw the United States from the Open Skies Treaty. And what I'd like to do is briefly outline the reasons that led the U.S. Government to that decision.

This is the culmination of a months-long review process, for quite a few months now – I think it's eight months or so – that involved close and nearly continuous discussions and consultations with our allies and our partners in the Open Skies Treaty. We solicited their views, their input on multiple occasions, including even in the form of a written questionnaire that we sent them in order to make sure that the fullest possible range of issues were raised and that they had the chance to air any concerns they might have. I can assure all of you that they were not shy about providing us with input, and we are very grateful for the time and effort that so many of them took in providing us with their thoughts over the course of these consultations.

After digesting all this input, the U.S. however has reached the decision that it is no longer in the U.S. national interest to continue participating in the treaty. And if I might, the reasons for this fall roughly into a few baskets, if you will. First of all, we need to view Russian – Russia's behavior on the Open Skies Treaty in a broader context in which Russia is clearly no longer committed to cooperative security in the way that one had hoped that it would have been. Russia's violation of the Open Skies Treaty is just one instance in a pattern of Russian violations of its arms control nonproliferation and disarmament obligations and commitments that affect European security and affect the arms control architecture. This, of course, includes things such as its violation of the arms control treaty, which of course destroyed that treaty; its actions against Georgia and Ukraine, including its purported annexation of Crimea, which have been contrary principles set forth in the Helsinki Final Act; its purported suspension – which isn't really a legal thing, but the word that the Russians use – of

its obligations under the Conventional Forces in Europe Treaty, and its selective implementation of the Vienna Document.

So this security environment is very much in contrast to the sort of environment that the treaty intended to be a part of – the treaty, when it was negotiated and when it entered into force. And this has been a source of great concern. Russians across the board are responsible for creating that situation, but this is not the world into which the Open Skies Treaty was birthed.

So the second bundle of concerns have to do with Russia's ongoing violations of the Open Skies Treaty, which we've been documenting in the State Department's compliance reports essentially from the very outset. Findings of noncompliance first appeared in 2005 with our State Department report, which was the first such report since the Open Skies entered into force in 2002. So from the outset of the treaty, Russia has failed properly to provide airspace and airfield information, which is inconsistent with treaty obligations, and it's been steadily documented ever since that a series of shifting violations of the treaty have simply kept occurring. They – a series of reports from 2004 through 2008, information reports from 2014 through 2019, all these have detailed various illegal Russian restrictions on oversights – on overflights, I should say, and other problems with treaty implementation. This has included airspace restrictions without justification, improper claims of *force majeure*, limits on flights over places such as Chechnya, and of course, most recently, as we have detailed publicly in the executive summary of our most recent compliance report, Open Skies problems persisted through 2019 in the form of an illegal sub-limit for flights over the Russian enclave of Kaliningrad, restriction of flights along the Georgia border, and also restriction of – denial of flights over a military exercise called Center which took place in September of 2019.

Now, those of you who know the history of Open Skies will know that this is an idea that came originally from President Dwight Eisenhower back in 1957, who had the vision of a confidence-building regime in which each superpower – then in the Cold War – could demonstrate to the other that it had nothing to fear because no area was off limits to peaceful image collecting flights. And that of course all made sense as a theory, and the message intended was you can fly anywhere you like and look at anything you want at any time. And if indeed that had been the message that Russia had been sending all these years, that would probably indeed have promoted confidence and trust and helped Europe be a more peaceful place.

The problem is that's not the message that Russia has been sending. What it has been saying is yes, you can fly anywhere you want and look at anything you like at any time except for the things we don't wish you to see. And that kind of selective limitation clearly cuts at the heart of the confidence-building that is the purpose of the Open Skies Treaty.

So the third bundle of concerns relates to how Russia has used the treaty essentially as a propaganda tool. The Kremlin injects into its implementation of the treaty propaganda statements, in effect, in support of Putin's policy of regional aggressive conduct – for example, by falsely claiming that the Georgian regions of Abkhazia and South Ossetia are so-called independent countries. That's the reason, actually, that Russia says it has been violating – well, it doesn't say it's been violating – the reason for Russia's violations of the Open Skies Treaty with respect to the Georgia border are rooted in its claim that these two countries which it seized from Georgia by force in 2008 are in fact independent. So that clearly undermines confidence and undercuts the peace-building purposes of the treaty in very dangerous and problematic ways.

Russia has also used airfield designations in support of its propaganda narratives that Crimea is in fact part of the Russian Federation. After having seized that territory and purportedly annexed it, Russia has been trying to use Open Skies airfield designation to get de facto admissions from other countries that in fact Crimea is part of Russia. And that, while not a violation of the treaty, is clearly deeply problematic and profoundly undercuts the kind of confidence that we had all hoped to get from the Open Skies mechanism.

So these kinds of moves are deeply offensive and undermine trust in Russia's good faith. It's improper to use a treaty, we think, as a political weapon to advance propaganda about regional aggression like that, and we think this is sort of a perversion, in effect, of the purposes of the treaty.

The fourth and final concern that I want to recount to you all today is actually more concrete, and that is that Russia may be using imagery that is collected from Open Skies flights to support its new doctrine of targeting U.S. – and, I should add, European – critical infrastructure targets with conventionally armed precision-guided missiles. Now, it's not a violation of the treaty to collect imagery of civilian infrastructure, of course, but if a state party turns around and uses that imagery to support offensive military targeting, clearly that is nonetheless problematic and represents a way in which Russia has been very deliberately trying to twist the treaty

in ways that are very much not conducive to our security interests or those of other partners in the treaty itself.

So for all these reasons, we are – we’re – clearly been very unhappy with how Russia has been misusing and manipulating the treaty and of course violating it pretty much from the very beginning. And this has all contributed to the President’s decision that it is no longer in our interest to remain in the treaty, and for that reason, we will be notifying the treaty depositories pursuant to Article 15 that it is the United States intent to withdraw. That will in turn start a six-month clock, at the end of which the United States will no longer be a participant in Open Skies.

Now, it is also true, as you may have heard from President Trump at the White House just about an hour or so ago, that the United States might be willing to revisit this if Russia returns to full compliance, but that is a decision for Russia to make, and we’ll have that conversation in the event that they choose to do that. So that’s the basic news today, and I think I’ll turn it back over to Marshall and to Morgan for further gloss on today’s events and putting it all into context of our broader arms control agenda.

**MR BILLINGSLEA:** Thanks, Dr. Ford. This is Marshall Billingslea. I’m the ambassador and the President’s special envoy for arms control. I’ll build off of what our assistant secretary just said regarding the specifics of Open Skies to re-emphasize some key points here.

First is that, as Chris has laid out, Russia has systematically destroyed conventional arms control in Europe. They abandoned the CFE Treaty, the Conventional Armed Forces in Europe Treaty, which put real limits on things like tanks and armored personnel carriers in the region east of the Urals. They did that – they abandoned that treaty despite the fact that the thing was renegotiated to accommodate Russia, which is remarkable.

The Open Skies Treaty violations you just heard. The failure to implement the Vienna document notification requirements fully – obviously, the egregious and flagrant violation of the UN Charter itself as well as the Helsinki Final Act with their attempted annexation of Crimea and their invasion of Ukraine.

But actually, this fits into a larger pattern of systematic damage conducted by Russia against the international arms control architecture, both bilateral and multilateral. Who can forget the use of the deadly Novichok nerve agent, a clear violation of the

Chemical Weapons Convention? The INF Treaty – destruction of the INF Treaty by Russia clandestinely developing and ultimately fielding a medium-range nuclear-tipped cruise missile in direct contravention of its promises under that treaty.

There is here, I think, three important points as we look forward to the future of arms control globally and with Russia. The first is that the President has made crystal-clear today that the United States expects that our treaty partners behave in a responsible fashion. We have every right, when we enter into a contract, which is precisely what a treaty is, that the other contracting parties will do what they commit to do, and that we will hold them to account, and that there will be consequences if parties violate or fail to implement their promises and their commitments and their obligations. One consequence, as you have seen today, is that we reserve the legal authority, which is codified in all of these agreements, that if the other party is not holding up their end of the bargain, we do have the right to withdraw from the arrangement.

But also equally important is providing ourselves a degree of assurance when we really begin to question or have a lack of trust in our partners that they will follow through and that they will do what they promise. Then we need to have strong verification and compliance mechanisms in these treaties, and that's precisely where we're headed with the future of nuclear arms control.

As you will hear in a televised event at the Hudson Institute here in about 40 minutes, I will be announcing that we are on the cusp of relaunching and restarting arms control negotiations with the Russians – and our expectation is that the Chinese will likewise be at the table – to develop the future of nuclear arms control, a trilateral arms control agreement that addresses a worrisome cycle that we see emerging with respect to an arms buildup both on the part of the Russians, but particularly on the part of the Chinese.

You should expect, given today's events and given the kinds of concerns that you've heard laid out here today, that verification and compliance will feature prominently in our thinking and in our negotiations going forward. But we do believe there is a path ahead. We are very eager to begin discussions with the Russians and with the Chinese. And to that end, my counterpart Deputy Foreign Minister Ryabkov and I have had a strong conversation, a lengthy conversation setting the stage for the kinds of topics that will be discussed and agreeing that we will meet in person, in Europe, with our delegations as soon as the pandemic recedes to a point at which we can make that happen.

In the meantime, electronic forms of communication are underway, the venue has been selected, the agenda is under development, and I am pleased that in the very near term, you will see that the United States drives forward a modernization of nuclear arms control.

With that, I will turn it back over to Morgan.

**MS ORTAGUS:** Thanks, guys. So let me just see. I think we've got our question queue up and going. We've got a couple people in the queue, so just a reminder, if you have a question, to dial 1 and 0. Let's go – first go over to Jonathan Landay from Reuters.

**QUESTION:** Thank you very much. Thanks, guys. Marshall, I – you did an interview earlier this month in which you basically implied or appeared to imply that if the United States decides not to extend New START, it will blame China, which is not a party to that agreement. Can you say why the United States would not extend the treaty for up to five years to give the space to China and Russia to discuss a new replacement multilateral treaty?

**MR BILLINGSLEA:** Well, thanks for that.

**MS ORTAGUS:** I just --

**MR BILLINGSLEA:** Yeah, go ahead, Morgan.

**MS ORTAGUS:** Yeah – no, it's okay. I just want to remind everybody that this briefing is about the Open Skies announcement today, so Marshall or Chris, you can touch on that from a very high level, but I don't think we have anything new to announce yet.

**MR BILLINGSLEA:** Yeah. I will redirect back to Open Skies, but you'll get more context also out of the Hudson Institute interview. We are – I'm not going to foreshadow what we may or may not do. All options remain on the table. It is very much the case – and the Russians themselves have said this in the wake of concluding New START a decade ago – that the next arms control agreement must be multilateral. Ryabkov himself said that. We believe that that was an accurate thing to say at the time, and it's even more essential that we follow through on that today. And so we do absolutely expect that whatever arrangements are reached, the Chinese will be part of a trilateral framework going forward.

**MS ORTAGUS:** Great, thanks. Next in the queue we have Said Arikat.

**QUESTION:** Thank you, Morgan. Yes, sir. To Dr. Ford, sir, you said just a little while ago that Russia was using civilian targets allowed under the treaty for military purposes. Can you give us an example of that, if possible? And has any one of your allies, like Germany, like France, or the United Kingdom that you must – you informed, did they indicate that they will follow suit? Thank you, sir.

**ASSISTANT SECRETARY FORD:** Well, thanks. It certainly is an important question. You will not, I think, however, be surprised if I am not at liberty to go into some of the details of why we think that this is a concern under the Open Skies Treaty. But I do want to point out that it's not a violation of the treaty to use imagery, I mean, in – for whatever purpose. The treaty does not specify the uses of imagery.

But while not a violation per se, it's clearly something that is deeply corrosive to the cause of building confidence and trust, which is of course what the Open Skies Treaty really ought to have been all about. To our eye, Russia's moves in this direction are ones that are very poisonous to the kind of environment the treaty was supposed to be creating. And rather than building confidence and trust and bringing Europe more steadily together, these kinds of efforts to twist the treaty for service – in the service of what is, in a sense, a strategy of military coercion and threat – are very caustic and the kind of thing that we are no longer willing to associate ourselves with.

**MS ORTAGUS:** Great. Thanks. Let me just see who we've got in the queue next. John Hudson, *Washington Post*.

**QUESTION:** Hi. Thanks. A question for Marshall. Where does your confidence come from when you say your – our expectation is the Chinese will be with us at the negotiating table? I'm wondering what sort of arguments the U.S. is making to sort of incentivize the Chinese to be there, and at what level do you think the Chinese are going to be engaging with you in their system in terms of counterparts.

**MR BILLINGSLEA:** Hi. The recorded event with Hudson really tackled that, so let me steer you towards that. But what I would say is that there's a number of considerations. On its face, the Chinese have an obligation to negotiate with us in good faith. They have that obligation from their NPT requirements. We expect them to honor that. But we also know that they want to be treated as a great power, and what better way to be accorded great power status than to be seen as entering in as a great power to arms control negotiations with the Russians and the Americans.



**MS ORTAGUS:** Thanks, guys. And I actually – for our bullpen, I will email to Ruben a copy of Marshall’s remarks. If we can just keep those embargoed until the Hudson event – it’s only a half hour away – but I’ll get those to you guys now, so that way you have the remarks.

Again, 1 and 0 if you want to get in the queue for a question. We’ve got Aaron Mehta from Defense News.

**QUESTION:** Thank you for doing this. I just wanted to clarify one thing that’s kind of been a question from some critics of this move. A longstanding concern has been Kaliningrad and the fact that flights are not allowed over that area. But it appears, according to the Estonian Government, that an overflight actually did occur in late February, February 19, 20th, with observers from the U.S., Estonia, and Lithuania going over Kaliningrad. I’m wondering if you can just square the circle on that.

**ASSISTANT SECRETARY FORD:** Certainly. Look, we’ve complained for some time about what is clearly a treaty not-permitted sublimit on flights over Kaliningrad. It’s not that they were entirely prohibited; it’s that there were unlawful restrictions on flight duration that were – or flight distance that were put over Kaliningrad. As this all – it has become clear that we have been reviewing our participation in the Open Skies Treaty, it is correct that a very slightly longer flight was, in fact, recently permitted.

That doesn’t undermine the basic point that Russia clearly regards its Open Skies legal obligations as something akin more to guidelines or options for them, and it has demonstrated both with the Kaliningrad sublimit and with a host of other restrictions to which I alluded earlier, it’s been showing ever since the treaty, in fact, entered into force that it basically feels willing to turn its obligations on and off like a light switch and to deny or restrict flights whenever it wishes others not to observe or not fully to observe some particular activity or location.

That’s exactly the kind of behavior that – and under President Eisenhower’s original vision – is really very much contrary to the confidence-building vision of the treaty. And I think the key point here is this sort of shifting kaleidoscope of different violations, which Russia has felt perfectly free to engage in ever since the treaty entered into force and, frankly, has had no accountability for that, and we are now finally providing that kind of accountability. The kind of behavior and selectivity that they’ve demonstrated is not consistent with the purposes of the treaty, and unfortunately it has greatly undermined that confidence-building purpose.

**MS ORTAGUS:** Thanks. Okay. Next in the queue we have Deb Riechmann from Associated Press.

**QUESTION:** Hi, I was just wondering if Trump's remarks on the South Lawn, where he said he might reconsider if Russia stops violating the Open Skies Treaty, if that is – how that is linked to the New START negotiations. Is this a – can you expound on that a little bit?

**MR BILLINGSLEA:** Well, I mean, so the – I wouldn't draw a direct linkage in the sense that you're talking about a confidence- and security-building measure in Europe versus a series of limitations on deployed nuclear warheads between the U.S. and Russia. The linkage, though, is both in terms of the principles that I talked about – the principle that you expect the other side to live up to their obligations – and to the extent that Russia were to resume abiding by its obligations, that certainly helps rebuild some of the trust that's otherwise been shattered in the relationship.

But that really is – that's up to the Russians to decide. We go forward into these new nuclear negotiations with our eyes wide open and with the expectation that we're going to have to have very, very tough verification measures for both Russia and China, especially when it comes to something like the sanctity, the integrity of a limitation on our nuclear deterrent.

**MS ORTAGUS:** Okay. It looks like we have actually come to the end of the queue, so I'll wait a couple more seconds if anyone else jumps in with a question. If not, we're going to ahead and end this briefing. And all of you should be getting Marshall's embargoed remarks from Ruben as well. Remember, they're embargoed.

Okay. Ruben, anyone else in the queue?

**MR HARUTUNIAN:** Michael Gordon.

**MS ORTAGUS:** Okay. Go ahead, Michael.

**QUESTION:** I have a question for Chris Ford or Marshall. President Trump and Secretary Pompeo have said that the U.S. may reconsider and return to the Open Skies Treaty if the Russians returned to a full compliance. You have identified several areas in which we have concerns about the Russian activity – denial of access and flights over their territory, but also the gathering of targeting information in their flights over the U.S. – among other concerns. What does it mean for the Russians to return to full

compliance? Would it be sufficient for them to provide unrestricted access over their territory, or do they need to do more?

**ASSISTANT SECRETARY FORD:** Well, Michael, I would say – this is Chris. I would say that that's a fact pattern we'll have to deal with when we encounter it. I mean, this has been, in effect, a totality-of-the-circumstances decision. As I was describing, some of the things that have undermined confidence-building purposes of the treaty are things that are a result of behaviors by the Russian Federation that are not, in fact, violations of the treaty. Other aspects of Russian behavior are very much violations of the treaty. And so it's the combination of all those things that has led to this decision.

And so were Russia to return to compliance, we would have to presumably make that decision at the time about what to do with it, do in response to that, on that basis of the circumstances that obtained at that time. And that, of course – just as our decision now has many variables, we would have to sort of see what the net impact of Russian behavior at that time in the world is.

But that's a conversation we would very much like to have if Russia would give the world the opportunity to see that happen. So we'll see where they go, but the ball is very much in the Kremlin's court, but that's a conversation we'd be happy to have if they are finally willing to do the right thing to the extent that it is necessary to do to bring that about. So looking forward to it, I hope.

**MS ORTAGUS:** Great. And I think we're at the end of our queue for questions – sorry about that, guys – and thanks so much, everyone. And we'll be in touch soon. Thank you.

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